

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOAQUIN AGUILAR DOMINGUEZ,

Petitioner,

Civil Number: 05-CV-73575

Criminal Number: 03-80700-01

v.

HONORABLE AVERN COHN

UNITED STATES OF AMERICA,

Respondent.

_____ /

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
DENYING MOTION UNDER 28 U.S.C. § 2255**

This is a habeas case under 28 U.S.C. § 2255. Petitioner Joaquin Aguilar Dominguez, a federal prisoner convicted of illegal re-entry and serving 41 months imprisonment, claims he is incarcerated in violation of his constitutional rights. Petitioner specifically claims that his sentence violates the Supreme Court's holding in United States v. Booker, 543 U.S. 220 (2005). The government argues that the motion is barred by the statute of limitations and lacks merit. The matter was referred to a magistrate judge for a report and recommendation (MJRR). The magistrate judge agrees with the government and recommends that the motion be denied. Petitioner has not filed objections to the MJRR.

Accordingly, the findings and conclusions of the MJRR are adopted as the findings and conclusions of the Court. Petitioner's motion under § 2255 is DENIED.

SO ORDERED.

Dated: March 01, 2006
Detroit, Michigan

s/ Avern Cohn

AVERN COHN
UNITED STATES DISTRICT JUDGE